



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,855	12/31/2001	Nicolas Sauriol	56130.000074	5322

7590 08/22/2005

Scott D. Balderston, Esq.  
Hunton & Williams  
Intellectual Property Department  
1900 K Street, N.W., Suite 1200  
Washington, DC 20006

EXAMINER
----------

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/029,855	SAURIOL ET AL.	
	Examiner	Art Unit	
	Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

P

### **DETAILED ACTION**

1. The proposed amendments to the specification filed on 6/13/2005 are approved.
2. Claims 1-24 have been presented for examination and are rejected.

### ***Response to Arguments***

3. Applicant's arguments filed 6/13/2005 have been fully considered but they are deemed not persuasive.
4. Applicant's arguments filed 6/13/2005 with respect to claims 21 and 22 have been considered but are moot in view of the new ground(s) of rejection.
5. In the remarks, applicant argued in substance that:

(A) Prior art of Kekic does not teach abstracting interface data regarding the network elements, but merely stores the information.

As to point (A), on the applicant's specification on page 6, lines 21 to 28, abstraction is defined as:

*"Because the hardware and software interfaces and other requirements for the one or more network element 110 are abstracted in the network element library 110, by*

Art Unit: 2141

*using the network configuration platform 102 of the invention a network administrator may configure and assess a variety of network implementations without having to stop and execute a different proprietary tool for each component."*

Upon further reading of Kekic, in the cited column 16, an element manager is described that builds off of this network management information database (Kekic, column 16, lines 44-50.) Later Kekic goes on to describe the element manager as:

**"Element manager 800 is an abstract representation of the managed computer network element that when executed on manager 404 of managed element server 314 manages and monitors the managed computer network element associated with element manager 800"** (Kekic, column 26, lines 31-58, emphasis added.)

Therefore, the network element data utilized by Kekic is clearly an abstraction of the network elements, and reads upon the amended claimed language.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kekic et al. (US Patent 6,788,315.)

8. As per claims 1 and 11, Kekic teaches a method for configuring networks using a processor, comprising:

a) abstracting interface data regarding at least one network element; (Kekic, column 26, lines 31-58)

b) storing the abstracted interface data regarding the at least one network element in at least one network element database; and (Kekic, column 16, lines 28-50, and column 26, lines 31-58)

b) configuring a network via communication with the abstracted interface data stored in the at least one network element database (Kekic, column 24, line 63 to column 25, line 36 and column 26, lines 31-58.)

9. As per claims 2 and 12, Kekic teaches the system further wherein the at least one network element database comprises a set of data corresponding to network elements (Kekic, column 16, lines 28-44.)

10. As per claims 3 and 13, Kekic teaches the system further wherein the set of data corresponding to network elements comprises data corresponding to at least one of routing elements, switching elements, optical elements, and wireless elements (Kekic, column 16, lines 28-44.)

Art Unit: 2141

11. As per claims 4 and 14, Kekic teaches the system further wherein the set of data corresponding to network elements is extensible (column 16, lines 58-67, wherein checks are completed for new elements.)

12. As per claims 5 and 15, Kekic teaches the system further wherein the processor comprises a user interface (Kekic, column 14, lines 43-65 and figure 6A.)

13. As per claims 6 and 16, Kekic teaches the system further wherein the user interface comprises object oriented code (Kekic, column 14, lines 19-31.)

14. As per claims 7 and 17, Kekic teaches the system further wherein the user interface comprises at least one of a network element list (Kekic, column 14, lines 43-65 and figure 6B, item 604) and a network map (Kekic, column 14, lines 43-65.)

15. As per claims 8 and 18, Kekic teaches the system further comprising a step of c) communicating via a network port with a network to be configured (Kekic, column 13, line 55 to column 14, line 8, wherein the specified systems communicate via network ports, see also figure 9C.)

16. As per claims 9 and 19, Kekic teaches the system further wherein the interface data comprises at least one of software interface requirements, hardware interface requirements, and protocol specifications (Kekic, figure 6B.)

17. As per claims 10 and 20, Kekic teaches the system further comprising a step of d) storing an image of a network for modification (column 27, line 60 to column 28, line 31, specifically column 29, lines 29-56.)

18. As per claims 23 and 24, Kekic teaches the system further wherein network configuration occurs without having to execute a different proprietary tool for each of the at least one network element (Kekic, column 26, lines 31-58, specifically the description of the Element manager.)

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. (US Patent 6,788,315) and Henderson et al. (US Patent 6,259,679.)

21. As per claims 21 and 22, Kekic teaches the above yet fails to teach wherein the processor is further operable to simulate the network.

Henderson teaches a network management system capable of designing, simulating, and modifying the topology of a network based on representations of the

Art Unit: 2141

network elements (column 5, lines 31-43.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Kekic and Henderson to provide the management system of Henderson in the system of Kekic, because doing so would allow a flexible network management architecture that can conform to differing protocols (Henderson, column 2, lines 55-65.)

### ***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-




Art Unit: 2141

3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor  
Examiner  
Art Unit 2141

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER